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Serial No.: 08/978,633

Filed: November 25, 1997

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REMARKS

Claim 303 has been added. It corresponds to claim 256, which was previously canceled inadvertently. Accordingly, claims 245-255 and 257-303 are pending in the above-referenced application. The dependency of claim 257 has been changed in view of the addition of claim 303. Claims 252, 273, 276 and 290 have been amended to more distinctly claim that which Applicants regard as their invention. Specifically, in claims 252, 273 and 290, "bacterium" has been removed. Claim 276 has been amended to conform to claim 303.

Restriction Requirement

It is asserted in the Office Action that this application contains claims directed to the following patentably distinct species of the claimed invention:

- (1) claim 246: polyclonal antibody and monoclonal antibody;
- (2) claims 249-250, 269-270, 287-288: binder is the same and the binder is different;
- (3) claims 251, 271, 289: binder is a polymer, a matrix, a support, or a specific combination of these;
- (4) claims 252, 273, 290: the nucleic acid component is either a) a nucleic acid or nucleic acid construct without a conjugate or b) a nucleic acid with a conjugate, c) a virus or viral fragment or viroid, d) a phage, e) a plasmid or plasmid vector, f) a bacterium or bacterial fragment, or g) a specific combination of any of a)-f);
- (5) claims 253, 272, 291: the cell is prokaryotic or eukaryotic;
- (6) claim 254: the domains are attached covalently, noncovalently, through a binder, or a specific combination of these;

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(7) claim 255: the noncovalent binding is ionic, hydrophobic, or a specific combination of these;

(8) claims 258, 278, 296: the ligand binding receptor is selected from the following: a polynucleotide sequence, an antigen, an antibody, a lectin, a hormone, a receptor, an inhibitor, an enzyme, a cofactor, a cofactor enzymes binding site, a binding ligand or a specific combination of the foregoing;

(9) claim 260, the binding is modified fibronectin, modified polylysine or broth;

(10) claims 274, 292: covalent, noncovalent or a combination; and

(11) claims 275, 293: ionic, hydrophobic or a combination.

Applicants respectfully traverse the rejection. Although 35 U.S.C. §121 provides that restriction may be required to one of two or more independent and distinct inventions, 37 C.F.R. §1.141 provides that a reasonable number of species may still be claimed in one application if the other conditions of the rule are met. Applicants note that in groups (1), (2), or (5) there are only two species recited and in groups (7), (10) and (11), there are only three species recited. It would certainly not be unduly burdensome to search such a small number of species as recited in the claims at hand. Furthermore, the species in each of the specified groups are related to each other. Specifically, the claims in (1) are directed to antibodies; the claims in groups (2), (3) and (9) are directed to binders; the claims in group (4) are directed to nucleic acid components; the claims in group (5) are directed to either prokaryotic or eukaryotic cells; the claims in groups (6), (7), (10) and (11) are directed to binding between the domains and the claims in group (8) are directed to ligand binding receptors. Therefore, Applicants respectfully request that the rejection be withdrawn.

In order to be completely responsive, however, Applicants have made elections in each of the groups. These elections are summarized in the table below. Applicants note that claims readable on the species elected are also listed in the table.

Group	Claims	Species Elected
(1)	245, 246	Polyclonal antibody
(2)	247, 248, 249-250, 269-270, 287-288	Binder and domain are different
(3)	247, 248, 251, 271, 289	Binder is a support
(4)	247, 252, 273, 290	Nucleic acid component is a nucleic acid or nucleic acid construct without a conjugate
(5)	247, 253, 272, 291	Eukaryotic
(6)	247, 254	Domains are attached noncovalently
(7)	247, 254, 255, 303, 276, 294	Combination of hydrophobic and nonionic
(8)	247, 257, 258, 277, 278, 295, 296	Ligand binding receptor is a binding ligand
(9)	247, 248, 259, 260	Binder is modified fibronectin
(10)	267, 274, 292	Noncovalent
(11)	267, 274, 275, 293	Combination of hydrophobic and nonionic

Submission of Formal Patent Drawings

Applicants and their attorney are in the process of preparing formal patent drawings. As soon as that process has been completed, new formal drawings will be submitted. It is expected that the submission will be made well before the present one month extension will have expired.

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Submission of Art-Related Documents

An Information Disclosure Statement is also being prepared. It is expected that an IDS will be submitted before the expiration of the present one-month extension period.

Favorable action on this application is respectfully requested.

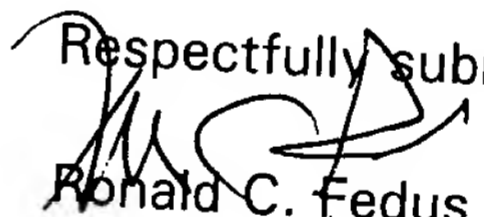
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SUMMARY AND CONCLUSIONS

Claims 245-302 are presented for further examination. Claims 252, 257, 273, 276, 277 and 290 have been amended. Claim 303 has been added.

This response is accompanied by a Request For Extension Of Time (1 Month) and authorization for the fee therefor. No other fee or fees are believed due in connection with this paper. In the event that any fee or fees are due for this paper, however, the Patent and Trademark Office is hereby authorized to charge any such fee or fees to Deposit Account No. 05-1135, or to credit any overpayment thereto.

If a telephone conversation would further the prosecution of the present application, Applicants' undersigned attorney requests that he be contacted at the number provided below.

Respectfully submitted,

Ronald C. Fedus
Registration No. 32,567
Attorney for Applicants

ENZO THERAPEUTICS, INC.
c/o ENZO BIOCHEM, INC.
527 Madison Avenue, 9th Floor
New York, New York 10022
Telephone: (212) 583-0100
Facsimile: (212) 583-0150

AMENDED CLAIMS-MARKED UP VERSION

252. (Amended) The composition of claim 247, wherein said nucleic acid component is selected from the group consisting of a nucleic acid, a nucleic acid construct, a nucleic acid conjugate, a virus, a viral fragment, a viral vector, a viroid, a phage, a plasmid, a plasmid vector, ~~a bacterium~~, a bacterial fragment and a combination of the foregoing.

257. (Amended) The composition of claim ~~247~~303, wherein said specific binding is mediated by a ligand binding receptor.

273. (Amended) The composition of claim 267, wherein said nucleic acid component is selected from the group consisting of a nucleic acid, a nucleic acid construct, a nucleic acid conjugate, a virus, a viral fragment, a viral vector, a viroid, a phage, a plasmid, a plasmid vector, ~~a bacterium~~, a bacterial fragment and a combination of the foregoing.

276. (Amended) The composition of claim ~~275~~267, wherein said ~~noncovalent binding comprises a specific complex~~domains are attached noncovalently through specific binding.

277. (Amended) The composition of claim 276, wherein said specific ~~complex binding~~ is mediated by a ligand binding receptor.

290. (Amended) The composition of claim 286, wherein said nucleic acid component is selected from the group consisting of a nucleic acid, a nucleic acid

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construct, a nucleic acid conjugate, a virus, a viral fragment, a viral vector, a viroid,
a phage, a plasmid, a plasmid vector, a ~~bacterium~~, a bacterial fragment and a
combination of the foregoing.

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